

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/676,433
Applicant(s): Sandeep P. Gopisetty et al.
Filing Date: 09/30/2003
Title: SYSTEM AND METHOD FOR AUTONOMICALLY ZONING
STORAGE AREA NETWORKS BASED ON POLICY
REQUIREMENTS
TC/A.U.: 2154 Confirmation No.: 3426
Examiner: Keefer, Michael E. Docket Number: ARC920030047US1

Mailed: January 30, 2008
at Newark, CA

**RESPONSE TO NOTICE OF
IMPROPER REQUEST FOR CONTINUED EXAMINATION
(Supplemental filing)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

This filing is submitted in reply to the Response to both the Notice of Improper Request for Continued Examination mailed November 19, 2007, and to a telephone conference with Examiner Michael Keefer on January 30, 2008. A prior response was filed January 28, 2008.

Remarks

The Applicant thanks Examiner Keefer for his assistance in determining the correct response to be file in this situation. The instructions for response as understood by the Applicant are to file a new Amendent/Response along with a new RCE filing.

This is to be done even though the Applicant previously filed a response to the Notice of Improper Request for Continued Examination on January 28, 2008.

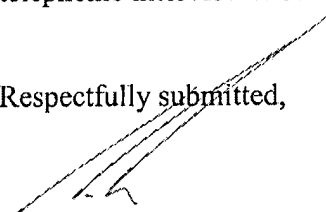
Therefore, in response to the Notice of Improper Request for Continued Examination the Applicant encloses herewith:

- (1) a copy of the Notice of Improper Request for Continued Examination
- (2) a new Office Action Response
- (3) a new RCE filing
- (4) payment for the RCE (please note, a Petition for Extension of Time and payment for same was previously filed in this case on January 28, 2008).

The Applicant believes that the submission of these materials cures the deficiencies found in earlier filings.

Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Respectfully submitted,



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11/19/2007

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Paper No.

Application No.: 10/676,433

Date Mailed: 11/19/2007



First Named Inventor: Gopisetty, Sandeep, K.

Examiner: KEEFER, MICHAEL E

Attorney Docket No.: ARC920030047US1

Art Unit: 2154

Confirmation No.: 3426

Filing Date: 09/30/2003

Please find attached an Office communication concerning this application or proceeding.

GSS
Commissioner for Patents

POSTED

**NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**

Application No.
10/676,433

Applicant(s)
GOPISETTY ET AL.
Art Unit
2143
Date Mailed
11/19/2007

The request for continued examination (RCE) under 37 CFR 1.114 filed on 29 October, 2007 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on . Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

Theodore R. Dade Jr., Technology Center 2100

Telephone Number: (571)272-3576